

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 SHANNON ANDERSON SAEVIK,

11 Plaintiff,

12 v.

13 SWEDISH MEDICAL CENTER and
14 REBECCA DAY, individually and as Clinic
15 Operations Manager of its Organ Transplant
16 and Live Center,

Defendants.

CASE NO. C19-1992-JCC

ORDER

17 This matter comes before the Court on Plaintiff's motion to compel (Dkt. No. 33) and
18 Defendants' motion to continue trial and revise the pretrial schedule (Dkt. No. 35.) Having
19 considered the parties' briefing and the relevant record, and finding oral argument unnecessary,
20 the Court hereby DENIES without prejudice Plaintiff's motion to compel and GRANTS
21 Defendants' motion to continue for the reasons described herein.

22 Plaintiff, who alleges that Defendant Swedish Medical Center ("Swedish") botched a
23 medical procedure performed on her and then unlawfully fired her, brings wrongful discharge
24 and related claims against Swedish and Plaintiff's superior at Swedish, Rebecca Day. (See Dkt.
25 No. 1-3.) The discovery cut off in this matter is presently set for June 7, 2021, dispositive
26 motions are due July 16, 2021 and trial is scheduled for October 7, 2021. (Dkt. No. 30.)

1 Defendants move to continue the discovery period and resulting deadlines. (Dkt. No. 35.)
2 They indicate Plaintiff only recently produced, and/or Defendants only recently received,
3 information necessary to depose Plaintiff. (See Dkt. No. 36.) In addition, the parties have not yet
4 agreed on the scope of the deposition of Swedish's Rule 30(b)(6) representative. (See Dkt. No.
5 33-3 at 2.) Given the delay in production to date and the outstanding depositions sought by the
6 parties, (see Dkt. Nos. 33 at 3, 35 at 8-9), the Court finds good cause to modify the remaining
7 case management dates, *see* Fed. R. Civ. P. 16(b)(4). Case management dates are revised as
8 follows:

<u>Case Management Event</u>	<u>Revised Due Date</u>
Discovery cut off	September 26, 2021
Dispositive motions	October 26, 2021
Settlement conference	November 17, 2021
Rule 39.1 mediation letter of compliance	December 24, 2021
Motions <i>in limine</i> ¹	December 31, 2021
Proposed jury instructions, verdict form ² and <i>voir dire</i>	January 14, 2022
Agreed pretrial order and trial briefs	January 19, 2022
Trial date ³	January 24, 2022

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¹ Any objections or responses to the motions *in limine* must be filed no later than seven
20 days from service of the motion.

21 ² The Court relies primarily upon the Ninth Circuit Manual for Model Jury Instructions to
22 prepare final instructions for submission to the jury. Two sets of course-of-trial and end-of-trial
23 jury instructions and a verdict form should be submitted. One set should be numbered
24 sequentially, with citations, indicating whether the instruction is agreed or disputed. A second,
25 clean copy without numbering, citations, or indication whether the instruction is agreed or
disputed should be submitted. All standard jury instructions should be included. The proposed
instructions and the verdict form should also be submitted in word format to the following e-mail
address: CoughenourOrders@wawd.uscourts.gov.

26 ³ The pretrial conference, currently set for October 7, 2021, is VACATED. If a
conference becomes necessary, the Court will address a date for it at the parties' request.

1 Separately, Plaintiffs move to compel production of Swedish's Rule 30(b)(6) deponent.
2 (Dkt. No. 33.) In doing so, Plaintiff includes a meet and confer certification. (*Id.* at 3, *see* Dkt.
3 No. 33-2 at 3.) But Plaintiff's certification is inadequate—a discovery conference occurring more
4 than two months prior is not a good faith attempt to meet and confer to resolve the parties'
5 differences regarding the present scope of the deposition of Swedish's Rule 30(b)(6)
6 representative. *See* Fed. R. Civ. P. 37(a)(1); W.D. Wash. Local Civ. R. 37(a)(1). If, following
7 Plaintiff's good faith attempt to meet and confer, Swedish refuses to provide a representative for
8 a Rule 30(b)(6) deposition, Plaintiff may renew her motion to compel.

9 For the reasons described above, Defendants' motion to continue (Dkt. No. 35) is
10 GRANTED and Plaintiff's motion to compel (Dkt. No. 33) is DENIED without prejudice. The
11 Court declines Defendants' request for fees, (*see* Dkt. No. 37 at 9), finding that such an award
12 would be unjust in this instance. *See* Fed. R. Civ. P. 37(a)(5)(B).

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14 DATED this 4th day of June 2021.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE